

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**OMEGA CABLE &
COMMUNICATIONS, INC., ET AL.,**

Plaintiff,

Vs.

TIME WARNER, INC., ET AL.,

Defendant.

CASE NO.5:05CV1780

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

Due to a conflict with the Court's criminal docket, the Court must continue the trial, set for February 4, 2008, in this case. In light of the issues raised in the Motions in Limine and per the concerns of the parties, as discussed in the final pre-trial, and because this case is not properly postured for trial, the Court will revisit Defendants' summary judgment motions previously stricken on procedural grounds. Defendants shall submit a single, modified, summary judgment motion on those issues and arguments contained in their previously stricken summary judgment motions. This modified summary judgment motion shall be in accordance with the page limitations set forth in this Court's Local Rules. Defendants shall file their summary judgment motion no later than February 29, 2008. Plaintiffs shall file their Brief in Opposition

no later than March 31, 2008. Defendants shall file their Reply brief no later than April 11, 2008. Parties shall confer and report to the Court on a mutually agreed upon trial date to be held in June or July of 2008. The pending Motions in Limine are dismissed, as moot, but may be refiled after the Court rules on Defendants' summary judgment motion.

IT IS SO ORDERED.

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

January 30, 2008